

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

WAYLON HUESTIS,

Plaintiff,

v.

LOUANNE ANDERSON *et al.*,

Defendants.

Case No. C04-5389FDB

REPORT AND
RECOMMENDATION

**NOTED FOR:
July 29th, 2005**

This 42 U.S.C. § 1983 Civil Rights action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and 636(b)(1)(B) and Local Magistrates' Rules MJR 1, MJR 3, and MJR 4. Plaintiff has filed a motion to dismiss this action without prejudice. (Dkt. # 29). Defendants do not object. (Dkt. # 30). Plaintiff indicates he wishes to dismiss the action until he either obtains more knowledge regarding the Federal Rules of Civil Procedure or he obtains an attorney to represent him. (Dkt. # 29).

Under Federal Rule Civil Procedure 41 (a) (2) this case requires an order to dismiss as an answer has been filed. Dismissal should be on terms that are just. The case should be **DISMISSED WITHOUT PREJUDICE** with each party to bear their own costs. A proposed order accompanies this Report and Recommendation.

Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal rules of Civil Procedure, the parties shall have ten (10) days from service of this Report to file written objections. *See also* Fed. R. Civ. P. 6. Failure to file objections will result in a waiver of those objections for purposes of appeal. Thomas v.

1 Arn, 474 U.S. 140 (1985). Accommodating the time limit imposed by Rule 72(b), the clerk is directed to
2 set the matter for consideration on **July 29th, 2005**, as noted in the caption.

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4 DATED this 29th day of June, 2005

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10 Karen L. Strombom
11 United States Magistrate Judge
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